

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES

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AMERICAN MEDICAL RESPONSE OF  
CONNECTICUT, INC.

*versus*

INTERNATIONAL ASSOCIATION OF EMTS  
AND PARAMEDICS LOCAL R1-999,  
NAGE / SEIU LOCAL 5000

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: Case No. 01-CA-263985  
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**RESPONDENT'S MOTION FOR LEAVE TO FILE SECOND AMENDED  
ANSWER TO COMPLAINT**

As the Respondent in the above-captioned case, American Medical Response of Connecticut, Inc. (hereafter, the "Company") hereby moves, by and through its Undersigned Counsel, and pursuant to Section 102.23 of the agency's Rules and Regulations, for leave to file the attached Second Amended Answer, whereby the Company seeks to add a new Affirmative Defense.

The Affirmative Defense averred by the Second Amended Answer is based upon the recent removal of Peter Robb as the agency's General Counsel and the subsequent appointment of Peter Sung Ohr as the agency's Acting General Counsel. The Company is not seeking to have the record reopened for the proffer of any evidence in support of the Affirmative Defense. Instead, the Company's intention would be to present Your Honor with supporting legal argument as part

of its post-hearing brief to Your Honor. Given the fact the post-hearing briefs are not due until March 3, 2021, the General Counsel and the Charging Party clearly have ample opportunity to prepare opposing arguments as part of their own post-hearing briefs to Your Honor. Nevertheless, Counsel for the General Counsel and Counsel for the Charging Party have both advised the Undersigned that their respective clients oppose the Motion now before Your Honor.

For all the reasons set forth above, the Company respectfully submits there is good cause for leave to file the Second Amended Answer and neither the General Counsel nor the Charging Party would suffer any prejudice by virtue of the pleading.

Dated:       Glastonbury, Connecticut  
              February 8, 2021

Respectfully submitted,

/s/ \_\_\_\_\_

Bryan T. Carmody  
Attorney for Respondent  
134 Evergreen Lane  
Glastonbury, Connecticut 06033  
(203) 249-9287  
[bcarmody@carmodyandcarmody.com](mailto:bcarmody@carmodyandcarmody.com)

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**CERTIFICATE OF SERVICE**

The Undersigned, Bryan T. Carmody, being an Attorney duly admitted to the practice of law, does hereby certify, pursuant to 28 U.S.C. § 1746, that, on February 8, 2021, the Respondent's Motion for Leave to File Second Amended Answer to Complaint was served upon the following *via* email:

John McGrath  
Counsel for the General Counsel  
National Labor Relations Board, Subregion 34  
450 Main Street  
Hartford, CT  
[John.McGrath@nlrb.gov](mailto:John.McGrath@nlrb.gov)

Douglas Hall  
Attorney for Charging Party  
3510 Main Street  
Bridgeport, CT 06606  
[dhall@nage.org](mailto:dhall@nage.org)

Dated: Glastonbury, Connecticut  
February 8, 2021

Respectfully submitted,

/s/ \_\_\_\_\_

Bryan T. Carmody  
Attorney for Respondent  
134 Evergreen Lane  
Glastonbury, Connecticut 06033  
(203) 249-9287  
[bcarmody@carmodyandcarmody.com](mailto:bcarmody@carmodyandcarmody.com)

## **EXHIBIT A**

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**SECOND AMENDED ANSWER TO COMPLAINT**

As the Respondent in the above-captioned case, American Medical Response of Connecticut, Inc. (hereafter, the “Company”) hereby incorporates, as though set forth fully herein, the Company’s Answer and Amended Answer to the Complaint, and further avers the following Affirmative Defense:

**SIXTH AFFIRMATIVE DEFENSE**

On January 20, 2021, Peter Robb was removed as the agency’s General Counsel in violation of the National Labor Relations Act, as amended, 29 U.S.C. §§ 151 *et seq.* Peter Sung Ohr, purportedly the agency’s current Acting General Counsel, lacks the authority to prosecute the Complaint and any actions taken by or on behalf of Mr. Ohr are *ultra vires*.



WHEREFORE, the Hospital respectfully requests that the Complaint be dismissed in its entirety.

Dated: Glastonbury, Connecticut  
February \_\_, 2021

Respectfully submitted,

/s/ \_\_\_\_\_

Bryan T. Carmody  
Attorney for Respondent  
134 Evergreen Lane  
Glastonbury, Connecticut 06033  
(203) 249-9287  
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